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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

ANIBAL RODRIGUEZ, et al. individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

GOOGLE LLC,

Defendant.

Case No. 3:20-CV-04688-RS

**JOINT STIPULATION AND
[PROPOSED] ORDER MODIFYING
THE CLASS NOTICE PERIOD AND
OPT-OUT DEADLINE**

Judge: Hon. Richard Seeborg
Courtroom: 3, 17th Floor

1 Pursuant to Civil Local Rules 6-2 and 7-12, Plaintiffs Anibal Rodriguez, et al. (“Plaintiffs”)
2 and Defendant Google LLC (“Google”) (together, the “Parties”) enter into this joint stipulation
3 regarding the class notice period and opt-out deadline.

4 WHEREAS, on January 3, 2024, the Court granted Plaintiffs’ Motion for Class Certification
5 (Dkt. 352);

6 WHEREAS, on January 25, 2024, the Parties proposed a schedule for providing notice to
7 the certified classes (Dkt. 363);

8 WHEREAS, on February 1, 2024, the Court established the schedule for providing notice to
9 the certified classes (Dkt. 367);

10 WHEREAS, in the following months, the Parties briefed several disputes regarding the class
11 definitions and notice-related issues (Dkts. 370, 371, 373, 375, 378);

12 WHEREAS, on April 5, 2024, the Court resolved those disputes (Dkt. 384);

13 WHEREAS, on April 26, 2024, Plaintiffs submitted a modified notice program accounting
14 for the Court’s April 5, 2024 Order (Dkt. 395), to which Google responded on May 10, 2024 with
15 proposed modifications (Dkt. 401);

16 WHEREAS, on May 31, 2024, the Court granted Plaintiffs’ proposal as modified by
17 Google’s response, meaning that the notice period was initially scheduled to begin on July 1, 2024
18 and end on August 15, 2024 (Dkt. 367, 405);

19 WHEREAS, on June 26 and June 27, 2024, Google provided to Epiq (the Court-appointed
20 class notice administrator) a subset of the email addresses to be used for class notice comprising all
21 e-mail addresses through approximately that date except those of Google Workspace
22 accountholders;

23 WHEREAS, on July 2, 2024, Google informed Plaintiffs it could provide the remaining
24 Google Workspace e-mail addresses after completion of Google first providing notice to Google
25 Workspace administrators;

26 WHEREAS, on July 15, 2024, in light of the significant amount of analysis and preparation
27 that Epiq performs (including in coordination with third parties such as internet service providers
28 and email service providers) as well as technical issues with the data that Google provided to Epiq,

1 the Parties submitted a stipulated proposed order that was entered by the Court modifying the notice
2 period to begin on September 23, 2024, which is also the last day of the Class Period (Dkt. 412–
3 13);

4 WHEREAS, on September 11, 2024, Epiq launched the class website and toll-free number;

5 WHEREAS, on September 23, 2024, the notice period began, and Epiq began sending direct
6 email notice to potential class members whose information Google had already provided to Epiq;

7 WHEREAS, on September 27, 2024, Google supplemented e-mail information for 900,000
8 supervised accounts with the e-mail address of those accounts' supervisors;

9 WHEREAS, on October 3, 2024, Google provided Epiq with the e-mail addresses for
10 Google Workspace accountholders, comprising approximately 9 million e-mail addresses;

11 WHEREAS, between October 18 and October 31, Google provided Epiq with additional e-
12 mail addresses for accounts that first turned off (s)WAA after the earlier productions but before the
13 end of the class period;

14 WHEREAS, due to the extraordinarily large number of e-mail addresses that must receive
15 class notice and errors in certain files Google sent to Epiq, the e-mail notice campaign encountered
16 resistance with email service providers who, despite being informed that these emails are court-
17 ordered class notice, resisted permitting class notice to be sent to class members without labeling
18 the notice e-mails as spam, resulting in a slower delivery process;

19 WHEREAS, the notice period is currently scheduled to end on November 7, 2024;

20 WHEREAS, due to these complications with email service providers, Epiq has represented
21 to counsel for Plaintiffs and counsel for Google that sending direct email notice to the remaining
22 potential class members prior to November 7, 2024, will risk very high undeliverable rates and
23 emails being labeled spam;

24 WHEREAS, Epiq estimates that, to reduce the risk of high undeliverable rates to a
25 reasonable level, the remaining e-mail addresses must receive notice on a slower timetable,
26 necessitating an extension of the deadline to complete class notice from November 7 to December
27 22, 2024, with a commensurate extension of the opt-out deadline and other notice-related deadlines;

1 WHEREAS, notice has been a substantial undertaking in this case, where Plaintiffs' expert
 2 estimates that there are over 90 million class members and Google has provided over 400 million
 3 email addresses for purposes of providing class notice;

4 WHEREAS, Plaintiffs have so far expended \$600,000 in costs (not including the significant
 5 lodestar devoted to this notice program), and expect to expend more than \$1 million in costs (and
 6 additional lodestar) to facilitate a high-quality notice program;

7 WHEREAS, this extension does not necessitate postponement of the trial date currently
 8 scheduled for August 18, 2024;

9 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the
 10 Parties, as follows:

11 The end of the notice period will be extended from November 7, 2024 to December 22,
 12 2024.

13 The opt-out deadline will be extended from January 6, 2025 to February 20, 2025.¹

14 Plaintiffs will report opt-out information to the Court on or before March 23, 2025.

15 A Proposed Order is submitted concurrently herewith.

16 Good cause exists for this slight modification to the schedule to ensure that notice is provided
 17 in the best manner practicable under Rule 23 and Due Process.

18 IT IS SO STIPULATED.

19 DATED: November 6, 2024

By: /s/ Mark C. Mao
 Mark C. Mao

21 DATED: November 6, 2024

Attorneys for Plaintiffs
 WILLKIE FARR & GALLAGHER, LLP

By: /s/ Benedict Y. Hur
 Benedict Y. Hur

Attorneys for Defendant Google LLC

27 _____
 28 ¹ The Parties anticipate that the Court would issue its summary judgment order after the February 20, 2025 opt-out deadline.

FILER'S ATTESTATION

Pursuant to Civil Local Rule 5.1, I attest that all signatories listed, and on whose behalf this filing is submitted, concur in the filing's content and have authorized this filing.

DATED: November 6, 2024

BOIES SCHILLER FLEXNER LLP

/s/ Mark C. Mao
Mark C. Mao